



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 22, 2020

TIME: 11:08 AM

WSR 20-03-180

Agency: Washington State Liquor and Cannabis Board

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The revised rules allow several demarcation options other than a forty-two-inch barrier to designate areas classified as off-limits to minors in beer/wine and spirits/beer/wine restaurants. Revisions also allow licensees to reclassify areas of restaurants as open to minors for regularly scheduled or special events with prior board approval. The revised rules update requirements for "minor prohibited" signs and make additional technical and clarifying changes.

**Citation of rules affected by this order:**

New:

Repealed:

Amended:

WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?

WAC 314-02-033 Do spirits, beer, and wine restaurants that exclude minors from the premises have to put demarcations around their dedicated dining area(s)?

WAC 314-03-200 Outside or extended alcohol service.

Suspended:

**Statutory authority for adoption:** RCW 66.08.030 and RCW 66.44.310

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-24-050 on November 26, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

Non-substantive clarifying changes were made to ensure all language referencing areas classified as off-limits to minors was uniform. "That are" was removed and "classified as" was added to WAC 314-02-025(3). "Restricted" was removed and "classified as off-limits to minors" was added to WAC 314-02-025(3)(b)(iii). "Classified as" was added to WAC 314-02-025(6).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	Amended	Repealed	___
-----	---------	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	3	Repealed	___
-----	-----	---------	---	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	3	Repealed	___

**Date Adopted:** January 22, 2020

**Name:** Jane Rushford

**Title:** Chair

**Signature:**



**WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?**

(1) The liquor and cannabis board has the responsibility to classify what licensed premises or what portions of the licensed premises are off-limits to minors ~~((~~per~~ RCW 66.44.310(2).))~~ per RCW 66.44.310(2). Minors may not purchase, possess, or consume liquor, and may not enter any areas that are classified as off-limits to minors ~~((~~per~~ RCW 66.44.290 and 66.44.310.))~~ The purpose of this rule is to clarify the ways in which licensees can prevent minors from consuming alcohol or entering ~~((~~restricted~~))~~ classified as off-limits to minors.

(2) Dedicated dining areas - If a spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee that allows minors chooses to have live music, Karaoke, patron dancing, live entertainment, or contests involving physical participation by patrons in the dedicated dining area after 11:00 p.m., the licensee must either:

(a) Request board approval to reclassify the dining area to a lounge for the period of time that live entertainment is conducted, thus restricting minors during that time; or

(b) Notify the ~~((~~board's licensing and regulation division~~))~~ board in writing at least forty-eight hours in advance that the sale, service, and consumption of liquor will end in the dedicated dining area after 11:00 p.m.

Requests or notifications may cover one event or a series of recurring events over a period of time.

~~(3) ((~~Barriers~~ Licensees must place barriers around areas that are classified as off-limits to minors and around game rooms.~~

~~(a) The barriers))~~ A licensed premises must have a clear demarcation between dedicated dining areas and areas classified as off-limits to minors.

~~(a) Demarcation means a dividing line that must clearly separate ((~~restricted areas~~, and must be at least forty-two inches high.~~

~~(b) The barriers must be permanently affixed (folding or retractable doors or other barriers that are permanently affixed are acceptable). A portable or moveable rope and stanchion is not acceptable. Those licensees that have been approved by the board for moveable barriers prior to the effective date of this rule may keep their moveable barriers until the licensee requests alterations to the premises or the premises change ownership.~~

~~(c) Structures where customers can sit or stand and consume food or liquor are not acceptable as a barrier.~~

~~(d) Entrances to restricted areas may not be wider than ten feet. If a licensee has more than one entrance along one wall, the total entrance areas may not exceed ten feet.~~

~~(e))~~ areas classified as off-limits to minors from dedicated dining areas.

(b) Demarcation options available to applicants and licensees, subject to approval by the board, include:

(i) Visibly different and contrasting flooring;

(ii) Steps or ramps up or down;

(iii) Walls, half-walls, or forty-two inch barriers, where entrances to the areas classified as off-limits to minors are not more than ten feet wide;

(iv) Permanently affixed stanchions, pillars, or posts at least six inches wide and placed no more than ten feet apart;

(v) Stationary planters at least six inches wide and placed no more than ten feet apart; and

(vi) Permanently affixed floor lighting or beacons placed no more than ten feet apart.

(c) Other demarcation options may be approved at the board's discretion.

(d) Demarcation does not include tape, paint, or stickers on floors, walls, or ceilings.

(e) Once the floor plan is approved by the board the demarcation cannot be moved or changed without prior board approval.

(f) "Minor prohibited" signs, as required by WAC 314-11-060(1), must be posted ((at each entrance to restricted areas.

(4-)) and clearly visible to patrons who are:

(i) Approaching the area(s) classified as off-limits to minors; and

(ii) Inside the area(s) classified as off-limits to minors.

(4) A spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee may request the board reclassify their off-limits area(s) as open to minors for regularly scheduled or special events. Reclassifying an off-limits area is considered an alteration to a licensed premises under WAC 314-03-300 and must be approved by the board prior to the event.

(5) If the business allows minors, the business's primary entrance must open directly into a dedicated dining area or into a neutral area, such as a lobby or foyer, that leads directly to a dedicated dining area. Minors must be able to access restrooms without passing through a lounge or other age-restricted area.

((5-)) (6) **Floor plans** - When applying for a license, the applicant must provide to the ((board's licensing and regulation division two copies of)) board a detailed drawing of the entire premises. The drawing must:

(a) Be drawn ((one foot to one-quarter-inch)) to scale;

(b) Have all ((rooms)) areas labeled according to their use; e.g., dining ((room)), lounge, ((game room)) gaming, kitchen, etc.; and

(c) Have all ((barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

(6-)) demarcations that separate dedicated dining areas from areas classified as off-limits to minors labeled and described in detail.

(7) **Convention centers** - To qualify ((for)) as a convention center ((there must be)) a premises must have two or more rooms that provide space and accommodations for private events only. ((Licensees holding a)) Convention center licensees may only sell alcohol for private events at the licensed premises.

AMENDATORY SECTION (Amending WSR 11-01-133, filed 12/21/10, effective 1/21/11)

**WAC 314-02-033 Do spirits, beer, and wine restaurants that exclude minors from the premises have to put ((barriers)) demarcations around their dedicated dining area(s)?** Spirits, beer, and wine res-

restaurant licensees who exclude minors from the entire premises at all times are only required to place (~~the barriers~~) demarcations described in WAC 314-02-025(~~(+2)~~) around dedicated dining areas for the purpose of paying the lower annual license fee (fifty percent to ninety-nine percent dedicated dining area). Restaurants that do not allow minors at any time and do not wish to have (~~barriers~~) demarcations around their dining area(s) must pay the higher annual license fee (less than fifty percent dedicated dining area). (See WAC 314-02-020 for an explanation of fees.)

**WAC 314-03-200 Outside or extended alcohol service.** A licensee must request approval from the board's licensing division for ongoing outside or extended alcohol service. The following conditions must be met:

(1) The area must be enclosed with a permanent or movable barrier a minimum of forty-two inches in height (~~(; and)~~).

(2) There must be an interior access to the licensed premises. If the interior access is from a minor restricted area of the premises, minors are prohibited in the outside or extended alcohol service area.

(3) There must be an attendant, wait staff, or server dedicated to the outside service area when patrons are present.

(4) Must have leasehold rights to the area and have and be connected to the licensed premises.

(5) Openings into and out of the outside area cannot exceed ten feet. If there is more than one opening along one side, the total combined opening may not exceed ten feet.

(6) **Exception.** For sidewalk cafe outside service, the board allows local regulations that, in conjunction with a local sidewalk cafe permit, requires a forty-two inch barrier or permanent demarcation of the designated alcohol service areas for continued enforcement of the boundaries.

(a) The permanent demarcation must be at all boundaries of the outside service area;

(b) The permanent demarcation must be at least six inches in diameter;

(c) The permanent demarcation must be placed (~~(at a minimum of)~~) no more than ten feet apart;

(d) There must be an attendant, wait staff, or server dedicated to the outside service area when patrons are present;

(e) This exception only applies to restaurant liquor licenses with sidewalk cafe service areas contiguous to the liquor licensed premises. "Contiguous" means touching along a boundary or at a point;

(f) This exception does not apply to beer gardens, standing room only venues, and permitted special events. Board approval is still required with respect to sidewalk cafe barrier requirements.

(7) **Limited exception.** The board may grant limited exceptions to the required forty-two inch high barrier for outside alcohol service areas.

(a) The licensee must have exclusive leasehold rights to the outside service area.

(b) There must be permanent demarcations at all boundaries of the outside service area for continued enforcement of the boundaries.